

[ATTORNEY'S NAME]
SPECIAL ASSISTANT ATTORNEY GENERAL
MONTANA DEPARTMENT OF CORRECTIONS
1539 Eleventh Avenue
Post Office Box 201301
Helena, MT 59620-1301
(406) 444-3905 - Telephone
(406) 444-1494 - Facsimile
[attorney's email address]

ATTORNEY FOR THE STATE

MONTANA [district #] JUDICIAL DISTRICT YOUTH COURT, [county] COUNTY

IN THE MATTER OF: [name of youth], A YOUTH	CAUSE NO. [cause #] MOTION FOR ORDER TO WITHHOLD INCOME
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COMES NOW Special Assistant Attorney General [attorney's name] on behalf of the Department of Corrections Youth Services Division ("DOC") and moves this Court for an income withholding order pursuant to Mont. Code Ann. §§ 40-4-204(8), 41-5-1525, and 25-13-614, as well as the [document title] filed on [date of order] in [name of court], a certified copy of which is attached hereto (the "Order").

Section 40-4-204(8), M.C.A., states in pertinent part as follows:

(a) A district court judgment, decree, or order that establishes or modifies a child support obligation must include a provision requiring the child support obligation to be paid, without need for further court order:

...

(ii) if the person with whom the child legally resides voluntarily or involuntarily relinquishes physical care and control of the child to another ... agency, to the ... agency to whom physical custody has been relinquished;

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(iii) if any other ... agency is entitled by law, assignment, or similar reason to receive or collect the child support obligation, to the ... agency having the right to receive or collect the payment; ...

The Order contains language at page [page], whereby [parent's name]'s child support payments shall follow the captioned youth into DOC or Youth Court placement.

Section 41-4-1525(4)(a), M.C.A, states in pertinent part as follows:

Except as provided in subsection (4)(b), contributions ordered under subsection (3) and each modification of an existing order are enforceable by immediate or delinquency income withholding, or both, under Title 40, chapter 5, part 4. ...

The Affidavit of [RAOs name], DOC Regional Administrative Officer, is attached hereto in support of this motion and outlines the youth's DOC placement history, demonstrating that [parent's name]'s child support payments should follow the captioned youth to DOC while the youth is in DOC or Youth Court placement.

DOC respectfully moves the Court for an income withholding order to garnish [parent's name]'s wages at the rate of \$[amount] per [week/month] but not to exceed 50% of his/her disposable earnings per [week/month]. The basis for this 50% garnishment is contained in § 25-13-614(4), M.C.A.:

(a) The maximum part of the aggregate disposable earnings of a judgment debtor for any workweek that is subject to garnishment to enforce an order described in subsection (4)(a)(i) may not exceed:

(i) 50% of the judgment debtor's disposable earnings for that week if he is supporting his spouse or dependent child ...

DATED this [date] day of [month], 20[year]

[attorney's name]
Special Assistant Attorney General

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was duly served upon the following by mail, hand delivery, Federal Express or facsimile transmission:

Public Defender
[insert address]

Parent(s)
[insert address]

- ☐ U.S. mail
- ☐ Federal Express
- ☐ Hand delivery
- ☐ Facsimile transmission

DATED this [date] day of [month], 20[year].

[RAOs Name]
Regional Administrative Officer